

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
01-CA-220820Date Filed
5-23-18**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Boston University		b. Tel. No. (617) 353-4481
		c. Cell No. (617) 777-3160
		f. Fax No. (888) 975-1568
d. Address (Street, city, state, and ZIP code) 25 Buick St 2nd Floor MA Boston 02215-1313	e. Employer Representative Juditra Burgess Esq. Director of Labor Relations	g. e-Mail jburgess@bu.edu
		h. Number of workers employed 10000
i. Type of Establishment (factory, mine, wholesaler, etc.) Schools	j. Identify principal product or service Education	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)Matt Dauphin Title: Higher Education Coordinator
Service Employees International Union, Local 509**4a. Address (Street and number, city, state, and ZIP code)**293 Boston Post Road West 4th Floor
MA Marlborough 07152-_____4b. Tel. No.
(774) 843-75094c. Cell No.
(508) 658-0474

4d. Fax No.

4e. e-Mail
mdauphin@seiu509.org**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

Service Employees International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Matt Dauphin

(signature of representative or person making charge)

Matt Dauphin
Title: Higher Education Coordinator

(Print/type name and title or office, if any)

Tel. No.
(774) 843-7509Office, if any, Cell No.
(508) 658-0474

Fax No.

e-Mail
mdauphin@seiu509.org293 Boston Post Road West 4th Floor
Address Marlborough MA 07152-_____

05/23/2018 16:45:34

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
10/3/2017	(b) (6), (b) (7)(C)	FTE calculation formulas	5/23/2018

BOSTON, MA 02222-1072
REGION ONE

2018 MAY 23 PM 6:59

RECEIVED
NATIONAL LABOR
RELATIONS BOARD



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
NLRB
Mobile App

May 24, 2018

Juditra Burgess, Esq., Director of Labor Relations
Boston University
25 Buick St, 2nd Floor
Boston, MA 02215-1313

Re: Boston University
Case 01-CA-220820

Dear Ms. Burgess:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DANIEL F. FEIN whose telephone number is (857)317-7807. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857)317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

May 24, 2018

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul J. Murphy". The signature is fluid and cursive, with the first name "Paul" and last name "Murphy" clearly distinguishable.

PAUL J. MURPHY
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

01-CA-220820

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BOSTON UNIVERSITY

Charged Party

and

**SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 509**

Charging Party

Case 01-CA-220820

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 24, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Juditra Burgess, ESQ., Director of Labor
Relations
Boston University
25 Buick St, 2nd Floor
Boston, MA 02215-1313

May 24, 2018

Date

Christine Sullivan, Designated Agent of
NLRB

Name

/s/ Christine Sullivan

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
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May 24, 2018

Matt Dauphin, Higher Education Coordinator
Service Employees International Union, Local 509
293 Boston Post Road West, 4th Floor
Marlborough, MA 07152

Re: Boston University
Case 01-CA-220820

Dear Dr. Dauphin:

The charge that you filed in this case on May 23, 2018 has been docketed as case number 01-CA-220820. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DANIEL F. FEIN whose telephone number is (857)317-7807. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857)317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul J. Murphy".

PAUL J. MURPHY
Regional Director

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1**

BOSTON UNIVERSITY

and

**SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 509**

Case 01-CA-220820

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Service Employees International Union, Local 509 (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Boston University (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on May 23, 2018, and a copy was served on Respondent by U.S. mail on May 24, 2018.
2. At all material times, Respondent has been a private non-profit university of higher education with a campus located at 1 Silber Way, Boston, Massachusetts (Boston campus).
3. In the course and conduct of its business operations, Respondent receives gross annual revenues in excess of one million dollars.
4. In conducting its business operations described above in paragraph 3, Respondent purchases and receives at its Boston, Massachusetts campus goods

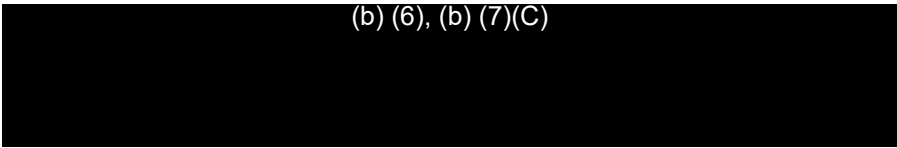
and materials valued in excess of \$50,000 directly from points located outside the Commonwealth of Massachusetts.

5. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

7. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



8. The following employees of Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the Unit):

All part-time graduate and undergraduate faculty (adjuncts, part-time lecturers, lecturers, part-time instructors, or instructors) employed by Respondent at its Massachusetts campuses to teach at least one credit bearing course (including hybrid and blended courses) in a degree-granting program, and who are compensated on a per course or per hour basis but excluding all tenure or tenure-track faculty; full-time faculty; visiting or contract faculty; School of Medicine faculty (except Division of Graduate Medical Sciences); School of Dental Medicine faculty; deans, provosts, administrators, program coordinators, program directors, department chairs, graduate assistants, graduate students who teach only courses pursuant to a stipend, athletic coaches and faculty who teach only on line, courses at non-Massachusetts campuses, non-degree granting courses (including the Center for Professional Education and Center for English Language and Orientation Programs), and/or courses as a teaching supervisor; all other employees employed by Respondent, including those who teach a class or course and are separately

compensated for such teaching; and managers, confidential employees, guards and supervisors as defined by the Act.

9. On February 18, 2015, the Board certified the Union as the exclusive collective bargaining representative of the Unit.

10. At all times since February 18, 2015, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

11. From about October 3, 2017 through about May 18, 2018, the Union made multiple requests, in writing, that Respondent furnish the Union with certain information regarding how Respondent calculates Full Time Equivalent (FTE) status for unit employees working in Respondent's various academic units.

12. The information requested by the Union, as described above in paragraph 11, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

13. Since about May 23, 2018, Respondent has failed and refused to furnish the Union with the requested information, described above in paragraph 11.

14. By the conduct described above in paragraph 13, Respondent has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

15. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 13, the General Counsel seeks an Order requiring Respondent to electronically

distribute notices to all employees in the Unit who were employed by Respondent as of December 15, 2017.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before October 11, 2018, or postmarked on or before October 10, 2018**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties. An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on Tuesday, January 29, 2019, at 10:00 a.m., at the Thomas P. O'Neill Federal Building, 10 Causeway Street, Room 601, Boston, Massachusetts, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 27, 2018



Paul J. Murphy, Acting Regional Director
National Labor Relations Board
Region 01

Attachments

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Boston University

and

Service Employees International Union, Local 509

CASE 01-CA-220820

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Boston University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Joseph P. McConnell

MAILING ADDRESS: Morgan, Brown & Joy, LLP, 200 State Street, Boston, MA 02109

E-MAIL ADDRESS: jmcconnell@morganbrown.com

OFFICE TELEPHONE NUMBER: 617-523-6666

CELL PHONE NUMBER: 617-877-2742

FAX: 617-367-3125

SIGNATURE: _____

(Please sign in ink.)

DATE: 10-29-18

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION ONE**

In the matter of:

BOSTON UNIVERSITY

Case No. 01-CA-220820

and

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 509

ANSWER TO COMPLAINT AND NOTICE OF HEARING

Employer Boston University (“BU” or “the University”), by and through its counsel, hereby answers the individually numbered paragraphs set forth in the Complaint and Notice of Hearing (the “Complaint”) in the above-captioned matter. BU specifically denies any allegation not specifically admitted.

1. BU admits the allegations contained in paragraph 1.
2. BU admits the allegations contained in paragraph 2.
3. BU admits the allegations contained in paragraph 3.
4. BU admits the allegations contained in paragraph 4.
5. BU admits the allegations contained in paragraph 5.
6. BU admits the allegations contained in paragraph 6.
7. BU admits the titles of the named individuals and that they are agents of the University. BU denies the remaining allegations contained in paragraph 7.
8. BU admits that the described unit is the one that was certified as an appropriate unit by the Board on or about February 18, 2015.

9. BU admits the allegations contained in paragraph 9.

10. BU admits the allegations contained in paragraph 10.

11. BU admits that the Union made a request for information to which it had previously provided the information requested.

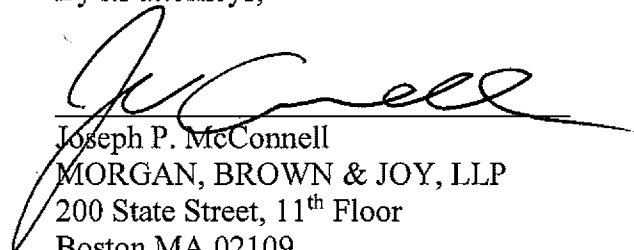
12. BU denies the allegations contained in paragraph 12.
13. BU denies the allegations contained in paragraph 13.
14. BU denies the allegations contained in paragraph 14.
15. BU denies the allegations contained in paragraph 15.

By way of affirmative defense, BU states (1) that BU did not fail to provide information necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit, (2) that this matter was litigated and resolved in the withdrawal of a previous charge and complaint and is precluded by the doctrine of res judicata and collateral estoppel, and (3) did not otherwise violate Sections 8(a)(1) and 8(a)(5) of the Act, and this matter should be dismissed in its entirety.

Respectfully submitted,

Boston University

By its attorneys,



Joseph P. McConnell
MORGAN, BROWN & JOY, LLP
200 State Street, 11th Floor
Boston MA 02109
(617) 523-6666

Dated: October 29, 2018

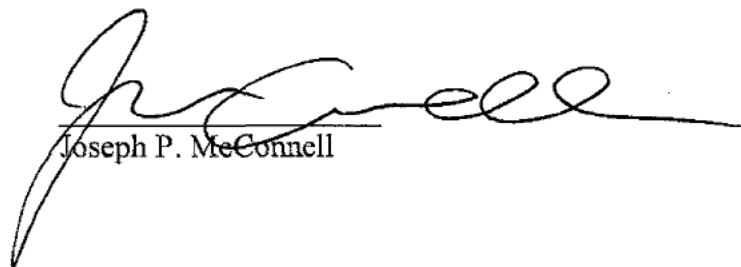
Certificate of Service

I hereby certify that a copy of the forgoing was served upon the following on October 29, 2018:

National Labor Relations Board and Region One (via Electronic Filing)

Paul J. Murphy (via Regular Mail)
Acting Regional Director
Region 1, NLRB
10 Causeway Street, 6th Floor
Boston, MA 02222-1072

Matt Dauphin, Higher Education Coordinator (via Regular Mail)
Service Employees International
Union, Local 509
293 Boston Post Road West, 4th Floor
Marlborough, MA 01752



Joseph P. McConnell

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Service Employees International Union, Local 509

and

Boston University

CASE 01-CA-220820

☒ REGIONAL DIRECTOR

☒ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Service Employees International Union, Local 509

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Patrick N. Bryant

MAILING ADDRESS: Pyle Rome Ehrenberg PC
2 Liberty Square, 10th Floor, Boston, MA 02109

E-MAIL ADDRESS: pbryant@pylerome.com

OFFICE TELEPHONE NUMBER: 617-367-7200

CELL PHONE NUMBER: _____ FAX: 617-3674820

SIGNATURE: *Patrick N. Bryant*

(Please sign in ink.)

DATE: 01/08/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
Boston University

Case 01-CA-220820

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices. Within three business days of the approval of this agreement by the Regional Director, the Charged Party will provide the Region with the specific locations where the Notices will be posted. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice in English, and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees employed at Boston University and who are represented by Service Employees International Union, Local 509 in the bargaining unit described in the February 18, 2015 Certification of Representative which issued in Case 01-RC-139754. The message of the e-mail transmitted with the Notice will state: “We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 1 of the National Labor Relations Board in Case 01-CA-220820.” The Charged Party will forward a copy of that e-mail, with all of the recipients’ e-mail addresses, to the Region’s Compliance Officer at megan.millar@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily discovered them. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board, and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted,

Counsel will be simultaneously served with a courtesy copy of these documents.

Yes JP

No _____

Initials

Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of its non-compliance with the provisions of this Agreement that require it to post the Notice and to provide the Union with the information it requested concerning full-time equivalent (FTE) calculation formulas, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will re-issue the Complaint and Notice of Hearing previously issued on September 27, 2018 in the instant case.

Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL provide the Union with the information it requested on various dates since October 2017 concerning our full-time equivalent (FTE) calculation formulas for the employees the Union represents.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Boston University

(Employer)

Dated: _____

By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.

10 Causeway St Fl 6
Boston, MA 02222-1001

Telephone: (617)565-6700
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to provide the Union with information that is relevant and necessary to its role as your bargaining representative.

WE WILL provide the Union with the information it requested on various dates since October 2017 concerning our full-time equivalent (FTE) calculation formulas for the employees the Union represents.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

BOSTON UNIVERSITY

(b) (6), (b) (7)(C)

Dated: 1/31/19 By: _____

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844) 762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer, Megan M. Millar.

CERTIFICATION OF COMPLIANCE
(PART ONE)

RE: Boston University
Case 01-CA-220820

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date) 2/1/19 at the following locations: (List specific places of posting)

BU HR Office Bulletin Board, 25 Brick Street, 2nd Floor, Boston MA 02215
BU HR Office Bulletin Board, 801 Mass. Ave., Ste 400, Boston MA 02118

Electronic Distribution

The signed and dated Notice to Employees in the above captioned matter was distributed electronically on

(date) 2/4/19 by the following means. (State means of distribution **and attach proof.**)

Distribution Through internal email server via bulk email to the
email addresses provided in the ~~att~~ spreadsheet submitted
herewith.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT
(b) (6), (b) (7)(C)

By:

Title:

Date:

2/6/19

This form should be e-filed on the Agency's website at www.NLRB.gov along with a copy of the Notice, dated and signed in the same manner as those posted, and the list of names and addresses referenced above.

CERTIFICATION OF COMPLIANCE
(PART TWO)

RE: Boston University
Case 01-CA-220820

Information Provided

On (date) 2/15/19, the Employer provided the information which is the subject of the Settlement Agreement and referenced in the Notice to Employees to Matt Dauphin (mdauphin@seiu509.org)
Ruth Moskowitz (rmoskowitz@seiu509.org), Rachel McCleery (rmccleery@seiu509.org)

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

(b) (6), (b) (7)(C)

By: _____

Title: _____

Date: 2/15/19

This form should be e-filed on the Agency's website at www.NLRB.gov along with all required documentation



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website:
www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

JOSEPH P. MCCONNELL, ESQ.
MORGAN, BROWN & JOY, LLP
200 STATE ST FL 11
BOSTON, MA 02109-2605

Re: Boston University
Case 01-CA-220820

Dear Mr. McConnell:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

PAUL J. MURPHY
Acting Regional Director

cc: JUDITRA BURGESS, ESQ.,
DIRECTOR OF LABOR RELATIONS
BOSTON UNIVERSITY
25 BUICK ST., 2ND FLOOR
BOSTON, MA 02215-1313

PATRICK N. BRYANT, ESQ.
PYLE ROME EHRENBERG PC
2 LIBERTY SQUARE, 10TH FL.
BOSTON, MA 02109

MATT DAUPHIN
HIGHER EDUCATION COORDINATOR
SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 509
293 BOSTON POST ROAD WEST
4TH FLOOR
MARLBOROUGH, MA 01752